

TENNESSEE AUCTIONEER COMMISSION

The Tennessee Auctioneer Commission held its meeting May 7, 2007, Room 160, Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee. Those present for the meeting were Bobby Colson, Chairperson; Kenneth Dreaden, Vice Chairperson; Howard Phillips, Board Member; Marvin Alexander, Board Member; Bethany Heuer, Staff Attorney; Adrian Chick, Staff Attorney; Lynn McGill, Administrative Director; Sheila Piper, Administrative Assistant and members of the Tennessee Auctioneer Association.

Motion was made by Kenneth Dreaden and seconded by Marvin Alexander to adopt agenda. Motion carried. No opposition.

Minutes from the meeting of March 26, 2006 were presented to the Commission Members for approval. Motion was made by Howard Phillips and seconded by Marvin Alexander to approve said minutes. Motion carried. No opposition.

Jason Scudder appeared before the Commission Members to request the approval of his licensure as auctioneer. Motion was made by Marvin Alexander and seconded by Bobby Colson that he get his apprentice license and then upgrade to an auctioneer. Mr. Scudder would owe \$150.00 for apprentice license and \$200.00 in penalties. Total for apprentice license \$350.00. After renewing his apprentice license and paying the penalties, he could upgrade to an auctioneer. Initial auctioneer license \$225.00. Mr. Scudder has paid \$225.00. Motion carried. Kenneth Dreaden opposed.

William Taylor Wright appeared before the Commission Members to request a waiver of apprenticeship, based on experience. Motion was made by Howard Phillips and seconded by Marvin Alexander that Mr. Wright be approved to take the apprentice test. Motion carried. No opposition.

John Glenn appeared before the Commission Members to request a waiver of apprenticeship, based on experience. Motion was made by Howard Phillips and seconded by Marvin Alexander that Mr. Glenn be approved to take the apprentice test. Motion carried. No opposition.

Fred Esch appeared before the Commission Members to request a waiver of apprenticeship, based on experience. Motion was made by Howard Phillips and seconded by Marvin Alexander that Mr. Esch be approved to take the apprentice test. Motion carried. No opposition.

Sheila Piper re-presented the auctioneer application of Arthur Gothelf from Loudon, Tennessee to the Commission Members. Mr. Gothelf requested that he be approved for an auctioneer license based on experience. Motion was made by Howard Phillips and seconded by Kenneth Dreaden that Mr. Gothelf be approved to take the apprentice test. Motion carried. No opposition.

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Sheila Piper presented the apprentice application of James Eric Lopp to the Commission Members. Motion was made by Kenneth Dreaden and seconded by Marvin Alexander to approve the apprentice application. Motion carried. Howard Phillips opposed.

Brad Parton and Debra Cockrell appeared before the Commission Members to discuss PSI, the contractor that administers our exams.

Closed with paid Consent Orders:

2007051741, Big 1 Auction Co. admitted to an advertising violation and paid a \$100.00 civil penalty.

2007053551, Clarence Henderson, Jr. admitted to an advertising violation and paid a \$100.00 civil penalty.

200705359. Daniel Boone Log Homes in Jackson.

Complainant alleged unlicensed conduct. An investigator was sent to the auction in question and confirmed that a licensed auctioneer was conducting the auction.

Motion was made by Howard Phillips and seconded by Kenneth Dreaden to take Legal's recommendation to close due to unsubstantiated complaint. Motion carried. No opposition.

200705571. Mid-South Auction & Real Estate Company.

Complainant alleged unlicensed conduct. An investigator was sent to the auction in question and confirmed that a licensed auctioneer was conducting the auction. Motion was made by Howard Phillips and seconded by Kenneth Dreaden to take Legal's recommendation to close due to unsubstantiated complaint. Motion carried. No opposition.

200604394. First Realty Auction (re-presented).

Complainant stated that they received a bad check at the auction. Respondent stated that they told the Complainant before signing the contract that they do not guarantee bad checks. The Commission stated that they were not clear on whether or not the Respondent had guaranteed bad checks and requested follow-up information. I have been in contact with the complainant who stated that respondent did not guarantee the bad checks and also that the situation has been resolved and they are satisfied. Motion was made by Howard Phillips and seconded by Kenneth Dreaden to take Legal's recommendation to close due to no violation found. Motion carried. No opposition.

200705599. Morristown Livestock and Auction.

Complainant stated that she did not receive enough money at auction for her pigs and goat. Respondent stated that she signed an agreement to sell them. Complainant admitted that she signed the agreement to sell. Motion was made by Kenneth Dreaden and seconded by Marvin Alexander to take Legal's recommendation to close due to no violation found. Motion carried. No opposition.

200705839. Jani's Treasures and Antiques.

Complaint alleged unlicensed conduct. Respondent was notified that there needed to be a firm or gallery license for the location. She stated she did not know that. She is taking her gallery licensure test later this year. She decided not to have the auction.

Motion was made by Marvin Alexander and seconded by Kenneth Dreaden to take Legal's recommendation to close. Motion carried. No opposition.

200705730. Tim Brewer. Bobby Colson reviewer.

The complaint alleged that Respondent did not put his firm number in the ad. Complainant stated that the auctioneer holds himself out to be his own auction company and prints his name larger than the company name. A copy of the ad is in the file. The ad does contain in small print at the bottom of the ad, the real estate company in charge of the auction. Commission Members voted for Legal to send a Letter of Instruction and close. Motion carried. No opposition.

200705731.

Complaint alleged possible ad violation; however, respondent stated this was a sealed bid situation. Respondent re-ran the ad in the paper to reflect that fact. Motion was made by Howard Phillips and seconded by Marvin Alexander to defer for more information. Motion carried. No opposition.

200705844. Motion was made by Kenneth Dreaden and seconded by Howard Phillips to defer and request to request a copy contract. Motion carried. No opposition.

There being no further business, meeting adjourned.

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APPROVED:

Bobby Colson
Chairperson

Kenneth Dreaden
Vice-Chairperson

Howard Phillips
Board Member

Marvin Alexander
Board Member